

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D.; M.M.; E.F.D.; and O.C.G.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security, in her official capacity; Pamela
BONDI, U.S. Attorney General, in her official
capacity; and Antone MONIZ, Superintendent,
Plymouth County Correctional Facility, in his official
capacity,

Defendants.

Case No. 25-cv-10676-BEM

**JOINT STATUS UPDATE AND PROPOSED EXPEDITED DISCOVERY PLAN
REGARDING PLAINTIFF O.C.G.**

Pursuant to the Court's Electronic Order of April 18, 2025, Plaintiffs D.V.D., M.M., E.F.D., and O.C.G. (Plaintiffs) and Defendants U.S. Department of Homeland Security (DHS), DHS Secretary Kristi Noem, and U.S. Attorney General Pamela Bondi (Defendants) hereby file this status update and proposed discovery plan for conducting "expedited discovery on whether and in what form Plaintiff O.C.G. received notice of his removal to a third country." ECF 64 (Docket Text).

Plaintiffs' Proposed Discovery Plan

Plaintiffs seek a 3-week expedited discovery period as follows:

Week 1

- Plaintiffs' counsel will electronically serve Requests for Admission (RFAs) and Interrogatories (ROGs) regarding any written or oral notice to Plaintiff O.C.G. and/or his counsel. Responses would be due within 7 calendar days of service.
- Plaintiffs' counsel also will electronically serve Requests for Production (RFPs) seeking:
 - (a) any/all agency communications relating to efforts to deport Plaintiff O.C.G. to Mexico during and after removal proceedings and after deportation to Mexico, including all entries in the ENFORCE Alien Removal Module (EARM) database entries pertaining to Plaintiff O.C.G.; (b) any/all communications between agency personnel and officials of the Mexican government regarding Plaintiff O.C.G.; and (c) the transcript of all removal proceedings in Plaintiff O.C.G.'s case before the immigration judge. Responses would be due within 7 calendar days of service.

Weeks 2 and 3

- Plaintiffs will take the deposition(s) of the officer(s) referenced in paragraphs 12 and 13 of the declaration of Brian Ortega, ECF 31-1.
- Plaintiffs will take the deposition of Brian Ortega.
- If necessary, Plaintiffs will electronically serve follow-up RFAs, ROGs, and/or RFPs. Responses would be due within 7 calendar days of service.

Defendants' Proposed Discovery Plan

- 1) One deposition (limited to 2 hours) of the Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) officer mentioned at para. 13 of the declaration.
- 2) Ten total written discovery requests (Rogs/RFAs).
- 3) Subject to an agreed-upon protective order, ICE would agree to produce the A-

file and relevant EARM records (if not otherwise contained in the A-file) which indicate whether O.C.G. was asked about a fear of Mexico. Defendants do not believe additional documents are necessary to resolve this narrow discovery issue.

Respectfully submitted,

s/Trina Realmuto

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ *Trina Realmuto*
Trina Realmuto
National Immigration Litigation Alliance

Dated: April 25, 2025